IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4126 OF 2007

Parshuram Balu Vanjari.... Petitioner

versus

Sainik School, Satara & ors..... Respondent.

Shri S.S.Pakale for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 11TH JUNE, 2007

P.C.;

1. The present petitioner was appointed as watchman. The relevant rule regulating the service conditions of the petitioner reads thus:

> "The retirement age for the academic staff would be 60 years and that of the administrative staff and general employee 60 years. However, the administrative staff and general employees can continue to be in service beyond 55 years would be subject to the following conditions:
>
> i) The Principal satisfies himself every year regarding the efficient performance of services by the staff; and

ii)The medical fitness as certified by the School Medical Officer.

After attaining the age of 55 years the case of the petitioner was reviewed and he was granted an extension by making the following observations:

> **"Interviewed individual, he has a poor disciplinary service record. He has absented himself without leave on almost 10 occasions in the past. However, he has promised of good conduct in future. Hence, he may be granted extension."**

2. After the grant of such extension the petitioner had availed of all the leave at his credit and in addition had to be sanctioned extra-ordinary leave without pay on account of his absence. Th respondent took up the case for review in the next year and took a decision not to grant extension to the ptitioner.

3. Aaggreived by the said decision, the petitioner filed a complaint before the Industrial Court and rejection of the said complaint has given raise to the filing of th present writ petition. The petitioner by now has already completed 59 years of age. The

Industrial court has on merit held that the respondent had not indulged in any unfair labour practice and hence rejected the complaint.

4. Perused the order. The same does not call for any interference. Hence writ petition is summarily rejected.

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